

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

WAYNE G. WOODS,

Plaintiff,

vs.

LAWRENCE COUNTY STATE'S  
ATTORNEY OFFICE, LAWRENCE  
COUNTY SHERIFF'S OFFICE, and  
LAWRENCE COUNTY CLERK OF  
COURT,

Defendants.

**CV-17-107-H-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

Plaintiff Wayne Woods filed a Complaint on November 17, 2017. (Doc. 1.) Woods failed, however, to pay the \$400.00 filing fee required by 28 U.S.C. § 1914(a). Woods also did not file a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The Court ordered Woods either to pay the required filing fee or to file a motion to proceed in forma pauperis within thirty days. (Doc. 3.) Woods failed to timely respond. Woods's case was closed on August 2, 2018. (Doc. 4.) Woods filed a motion to proceed in forma pauperis on August 8, 2018. (Doc. 5.) The Court granted Woods' motion to proceed in forma pauperis and ordered Woods's case be reopened on October 3, 2018. (Doc. 6 at 6.)

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 3, 2018. (Doc. 6.) The Court is required to dismiss a complaint filed in forma pauperis or by a prisoner against a governmental defendant before it is served if the complaint is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915A(b), 1915(e)(2)(B). Woods's complaint raises a cause of action pursuant to the Freedom of Information Act. (Doc. 1 at 1.) Woods seeks to have the Court compel Defendants to provide Woods with evidence and other documents from his 1983 criminal case in Lawrence County, South Dakota. (Doc. 1.) Judge Johnston found that Woods failed to identify any federal authority providing for a federal right to access state records. (Doc. 6 at 6.)

Judge Johnston recommended that Woods's complaint be dismissed. Judge Johnston recommended that the Clerk of Court close this matter and enter judgment pursuant to Federal Rule of Civil Procedure 58. Judge Johnston further recommended that the docket shall reflect that any appeal of this decisions would not be taken in good faith pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A).

No party has filed objections. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v.*

*Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 6) is ADOPTED IN FULL.

IT IS ORDERED that Woods's Complaint (Doc. 1) is DISMISSED.

IT IS FURTHER ORDERED that the Clerk of Court shall close this matter and enter judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS FURTHER ORDERED that the Clerk of Court shall make the docket reflect that the Court certifies pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

DATED this 29<sup>th</sup> day of October, 2018.



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Brian Morris  
United States District Court Judge